Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3642 OF 2025

Kartik Sunil Kotme .. Applicant

Versus

The State of Maharashtra .. Respondent

.....

- Mr. Akshay H. Bankapur, Advocate for Applicant
- Mr. Sukanta A. Karmakar, APP for State

.....

CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 17, 2026

P. C.:

1. Heard Mr. Bankapur, learned Advocate for Applicant and Mr. Karmakar, learned APP for State.

2. By this Bail Application, Applicant - accused is seeking enlargement on bail in Crime No. 428 of 2023 registered with Nashik Road Police Station, Nashik for the offences punishable under Sections 302, 201, 120(B) r/w Section 34 of the Indian Penal Code (for short, "IPC"). Date of the incident is 03.09.2023.

3. The case of the prosecution is based upon circumstantial evidence to the extent that the Applicant was having an affair with the wife of the deceased, and therefore the Applicant has been apprehended. According to the prosecution, the victim was assaulted on 03.09.2023 whereas his body was found only on 11.09.2023. The prosecution is relying upon an eyewitness statement of having seen

the Applicant and the deceased together as a last-seen theory on 03.09.2023 at 2:30 pm, when the said witness had seen the Applicant and the deceased driving together on a motorcycle. Save and except this, there is no other evidence that the prosecution has been able to show the nexus of the applicant with the alleged crime.

4. What is intriguing is the fact that the medical report, copy of which is appended at page number 53, categorically records that the injuries found on the victim are ante-mortem in nature and fresh in duration within 24 hours of the date of preparation of the report. It also states that the time since death may be from 7 to 10 days. However, if the case of the prosecution is to be believed, even the substantive medical report, which gives details of the Applicant's body and his body parts, only states that there were moderate signs of decomposition at it being blackish and brownish in discoloration and it would not therefore suggest that the victim was murdered on 03.09.2023. The case of the prosecution is purely based only on the above ground. The weapon being a pointed weapon and recovery by the prosecution being that of a kitchen knife persuades me to consider the case for grant of bail to the applicant. Applicant has been incarcerated for more than three years and ignominy and probability of trial commencing and concluding being bleak, even on the ground

of long incarceration, the Applicant's case deserves consideration in the aforesaid facts.

5. In view of the above, arguable case is made out by Mr. Bankapur for grant of bail to the Applicant. Hence, the following order is passed:-

(i) Applicant is directed to be immediately released from prison in connection with Crime No. 428 of 2023;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs. 25,000/- (Rs. Twenty Five Thousand only) with one surety of the like amount;

(iii) Applicant shall report to the Investigating Officer at Nashik Road Police Statio, Nashik once every month on the first Sunday of the month between 10:00 a.m. to 12:00 p.m.;

(iv) Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates, unless specifically exempted and will not take any unnecessary adjournments, if he does so it will entitle the prosecution to apply for revocation of this order;

(v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vi) Applicant shall not influence with any of the witnesses

or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time, as applicable; and

(viii) Any infraction of the conditions shall entail cancellation of bail granted to the Applicant.

6. Needless to state that the above observations will not come in the way of trial as they are *prima facie* in nature based on the submissions made and the material placed before this Court.

7. Bail Application is allowed and disposed of in the above terms.

[MILIND N. JADHAV, J.]

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RAVINDRA MOHAN AMBERKAR

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